

Notice  
of  
Rulemaking

Tennessee Regulatory Authority

There will be a hearing before the Tennessee Regulatory Authority to consider the amendment of rules pursuant to Tennessee Code Annotated, Section 65-2-102. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Hearing Room of the Tennessee Regulatory Authority Building, 460 James Robertson Parkway, Nashville, Tennessee at 1:30 p.m. on the 16th day of November, 2000.

Any individuals with disabilities who wish to participate in these proceedings should contact the Tennessee Regulatory Authority to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the agency to determine how it may reasonably provide such aid or service. Initial contact may be made with the agency's ADA Coordinator at 460 James Robertson Parkway, Nashville, TN 37243-0505, and (615) 741-2904.

For a copy of this notice of rulemaking hearing, contact K. David Waddell, Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville, TN, and (615) 741-2904.

Substance of Proposed Rules

Amendments

Chapter 1220-4-2 Regulations for telephone telecommunications service providers is amended by deleting Rules 1220-4-2 -.01 through .42 of the chapter in their entirety and substituting the following new sections:

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1220-4-2-.01 Definitions

In the interpretation of these rules, the following definitions shall be used:

- (1) “Applicant” means a person requesting service through Lifeline or Link-up.
- (2) “Authority” or “TRA” means the Tennessee Regulatory Authority
- (3) “Basic Local Exchange Telephone Service” means telecommunications services as defined in Tenn. Code Ann. ? 65-5-208 (1).
- (4) “Busy season” means the period of the year during which the greatest volume of traffic is handled in the office.
- (5) “Carrier of last resort” means the required offering of ubiquitous basic local exchange services throughout a designated service area by an ETC qualified to receive federal and state universal service support using its own facilities or a combination of its own facilities and resale of another carrier’s services, including the services offered by another ETC.
- (6) “Customer” means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with telephone service by a telecommunications service provider.
- (7) “ETC” means eligible telecommunications carriers as defined in USCA Title 47, Section 214(e) and is certified by the Authority to receive state or federal universal service support.
- (8) “Exchange” means a unit established by a telecommunications service provider for the administration of telephone service in a specified area which usually embraces a city, town, or village and its environs. It consists

of one or more central offices together with associated plant used in furnishing communication service in that area.

- (9) “Incumbent local exchange carrier” means a public utility offering and providing basic local exchange telephone service, as defined by TCA §65-5-208, pursuant to tariffs approved by the Tennessee Public Service Commission prior to June 6, 1995.
- (10) “Lifeline” means an income-tested telephone assistance program whereby qualified residents can obtain a discount on their basic monthly local telephone service.
- (11) “Link-up” means an income-tested telephone assistance program whereby qualified residents can obtain a discount on the one-time charge for the installation or the transferring of telephone service.
- (12) “Local Number Portability (“LNP”)” means the ability of a customer to retain the same telephone number when changing local telecommunications service providers, as long as the customer stays within the same general geographic area.
- (13) “NANPA” means the North American Numbering Plan Administrator appointed by the FCC with the responsibility to oversee the administration of the telephone numbering system for North America.
- (14) “Peak-traffic hour” means the period of the day during which the greatest volume of traffic is handled in the telephone central office.
- (15) “QSM” means quality service mechanisms designed to penalize ETCs for repeatedly providing poor quality telephone service by monetarily compensating the appropriate customer.
- (16) “Rate Center” means a geographic location used by telecommunications carriers to establish the point to point mileage necessary for accurate and consistent billing for both local and toll calls.
- (17) “Reseller” means a Telecommunications Service Provider which purchases tariffed network services from a facility-based carrier to provide local and/or long distance service to end users.
- (18) “Sequential Number Assignment” means the assignment of telephone numbers within one 1,000 block prior to assigning telephone numbers from another unused 1,000 block of numbers.
- (19) “Service area” means the franchise area where an incumbent local exchange carrier provides basic local exchange service.

- (20) “Soft dialtone” means local service limited to access to emergency 911 service.
- (21) “Tariff” means the entire body of rates, tolls, charges, classifications and rules, adopted and filed with the Authority by a telecommunications service provider.
- (22) “Telecommunications Service Provider” means any provider of local exchange service as defined in Tenn. Code Ann. §65-4-101(c) and includes, but is not limited to, incumbent local exchange carriers (“ILEC”), competitive local exchange carriers (“CLEC”) and resellers.
- (23) “Telephone Assistance Program” refers to Lifeline and Link-up.
- (24) “Trouble Report” means any oral or written report from a subscriber or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operations of telephone facilities. One report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.
- (25) “Uncontaminated 1,000 Number Blocks” means a clean block of 1,000 numbers from which no individual telephone numbers have been assigned.
- (26) “Underlying carrier” means the telecommunications service provider supplying the tariffed services to a reseller for the provisioning of basic or long distance service.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.02 Scope of Regulations

The purpose of this Chapter is to establish minimum quality of service standards and general regulations for all telecommunications service providers providing telecommunications service, as defined in this Chapter. The regulations are designed to ensure that Tennesseans continue to have access to quality telephone services in an emerging competitive telecommunications environment. This Chapter attempts to balance our state’s policy of pro-competition in the telecommunications sector with the service quality expectations of our citizens as well as privacy concerns.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

## 1220-4-2-.03 Records and Reports

### (1) Location of Records.

Unless otherwise authorized by the Authority, all records of telecommunications service providers required by this Chapter or any other Authority rule shall be kept within the State or shall be made available to the Authority or its authorized representative upon request at no cost. If out-of-state travel is required by the Authority to view such records, the telecommunications service provider shall reimburse the Authority for reasonable travel expenses.

### (2) Retention of Records

Telecommunications service providers shall maintain sufficient records necessary to verify and substantiate all requirements of this Chapter. These records include, but are not limited to, trouble reports, service orders, itemized customer billing records, customer deposits and customer complaints. All records required by this Chapter shall be retained for a period of two (2) years unless otherwise ordered by the Authority.

### (3) Out-of-Service Report

(a) Telecommunications service providers are required to notify the Authority by the methods listed below regarding disruptions of service when greater than 1000 customers lose service for greater than four (4) hours.

1. Contact the Authority within two (2) hours of the service disruption or if during non-work hours, at the beginning of the succeeding workday and provide the location of the disruption, number of customers affected, and estimated restoral time.
2. Provide a written report within thirty (30) days of the incident to the Authority detailing the disruption along with actions the Telecommunications Service Provider has or shall take to prevent a similar disruption from occurring again.

### (4) Tariffs

- (a) Telecommunications service providers shall file with the Authority tariffs that set forth the conditions and circumstances under which services will be provided as prescribed in Chapter 1220-4-1.
- (b) Telecommunications service providers shall make available a copy of its tariffs available for public inspection. Public inspection shall also include, but not limited to, having a copy of the tariffs available on the Internet.

(5) Exchange Maps

ETCs shall file with the Authority an exchange area map for each of its exchanges within the state clearly showing the boundary lines sufficient in detail to reasonably permit locating the exchange service area in the field.

(6) Wireline Reports

Each Telecommunications Service Provider shall provide to the Authority a summary of its wireline activity within the State on the first working day of each month in a format established by the Authority. This information shall allow the Authority to monitor the evolution of local competition within Tennessee.

(7) Telephone Number Utilization Reports

Each Telecommunications Service Provider shall provide telephone number utilization data to the Authority on the forms provided by the Authority, as authorized by the Federal Communications Commission.

(8) Service Reports

Each Telecommunications Service Provider shall furnish to the Authority at such time and in such form the results of any tests, summaries or records or any other information as the Authority may require.

(9) Adequacy of Service Reports

Each ETC shall submit to the Authority quarterly reports in a format established by the Authority that will allow the Authority to determine how well it is complying with the adequacy of service standards found in 1220-4-2-.17. The reports shall be itemized by month by local exchanges. The Authority may conduct periodic audits or require the ETCs to hire an independent firm to verify accuracy of service standard reporting.

(10) Interruption of Service Reports

Each Telecommunications Service Provider shall maintain an accurate record of trouble reports made by its customers. This record shall include such information as the customer name, and the time, date and nature of the trouble along with the action taken by the Telecommunications Service Provider to clear the trouble or satisfy the complaint. This record shall be available to the Authority or its authorized representative upon request.

(11) Miscellaneous Reports

Telecommunications Service providers shall provide any other report ordered by the Authority or requested by the Staff through the Executive Secretary's office.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.04 Customer Refunds for Service Outages

In the event the customer's local service is interrupted by other than the negligent or willful act of the customer or by an act of nature or civil disturbance and it remains out for 24 hours after being reported, telecommunications service providers shall automatically credit, on the following month's bill, the customer's account \$5.00 per day until the service is restored, unless a more liberal credit is allowed under the Telecommunications Service Provider's tariffs. The credit in any one month shall not exceed \$50.00.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.05 Customer Deposits

- (1) No security deposit shall be required as a condition for service other than as provided in Telecommunications Service Provider tariffs on file with the Authority. Deposits shall be calculated on the amount of security needed to ensure payment of an average of two (2) months local service charges, if the customer agrees to subscribe to a toll blocking service.
- (2) Deposits, plus interest, shall either be refunded to the customer or credited to the customer's outstanding bill if the customer has established a satisfactory payment history or when service is terminated. A satisfactory payment history is where the customer has paid their telephone bill on time for 11 out of 12 months and has not had their service disconnected for non-payment or made payment with a check with insufficient funds.

- (3) Deposits shall accrue at a simple interest rate of 6% annually.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.06 Disconnection of Local Service

- (1) Local service may be refused or discontinued for any of the reasons listed below:
- (a) For non-payment of the local service portion, including regulated optional services provided by the customer's telecommunications service provider, of the telephone bill. Disconnection for this cause requires a ten (10) day prior written notice to the customer except in extreme cases as identified in 1220-4-2-.06 (1) (b) and (e).
  - (b) Customer use of equipment in such manner as to adversely affect the Telecommunications Service Provider's ability to provide service to other customers.
  - (c) Customer violation of any state or municipal law, ordinance or regulation pertaining to telephone services.
  - (d) Failure to provide the Telecommunications Service Provider with reasonable access to its equipment.
  - (e) Unauthorized or fraudulent use of telecommunications service.
- (2) The following shall not be grounds for the disconnection or denial of local telephone service.
- (a) Non-payment of toll service or any unregulated charges, such as yellow page advertising, telephone equipment, Internet service and 900 pay-per-call services, appearing on the customer's telephone bill.
  - (b) Delinquency in payment of a previous bill by a present occupant who was delinquent at another address and subsequently joined the household of a customer in good standing.
  - (c) Failure to pay the bill of another customer as guarantor thereof.



- (d) Failure to pay for business service at a different location and different telephone number shall not constitute sufficient grounds to disconnect or refuse residential service.
- (3) Disconnection of local service shall adhere to the following procedures:
  - (a) No local service shall be disconnected on a day the telecommunications service provider's business office is closed or on a day preceding a day the business office is closed.
  - (b) Disconnection of local service for non-payment of services as specified in 1220-4-2-.06(1) shall only occur after the affected customer has received a ten (10) day written notice of the pending disconnection, unless the customer is receiving Lifeline assistance. Lifeline customers shall receive a written notice of 15 days prior to disconnection.
  - (c) Disconnection of local service shall only occur during the hours the telecommunications service provider has personnel available to accept payment and reconnect service.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.07 Disconnection of Service to a Reseller by an Underlying Carrier

- (1) The following steps shall be taken when an underlying carrier denies service to a local or long distance reseller:
  - (a) The underlying carrier shall provide no less than a thirty (30) days written notice to the reseller that service will be terminated on a date certain if actions are not taken by a date certain to rectify any of the conditions for disconnection found in 1220-4-2-.06 (1).
  - (b) The underlying carrier shall provide to the Authority a five (5) day notice of the pending disconnection of the reseller along with the reason(s) for the action.
  - (c) It is the responsibility of each reseller to notify its customers either in writing or by voice communications no less than ten (10) days prior of the pending disconnection of its service and advise its customers of their need to select another service provider.
  - (d) The reseller shall refund to its customers any credits due as a result of the disconnection of service within thirty (30) days of termination of the service.

- (e) The underlying carrier shall provide a soft dialtone to the customers of the reseller upon disconnection of the reseller's service until said customer selects another local provider.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.08 Privacy of Customer Information

- (1) In recognition of customer privacy, telecommunications service providers are prohibited from disclosing information about the customer such as name, address, calling habits or any other such information to any other person or entity without the prior approval of the customer, unless otherwise ordered by the Authority.
- (2) Telecommunications service providers are required to exclude, without charge, the customer's name, address and telephone number and any other such personal information from its directory and directory information service when requested by the customer.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.09 Directories (White Pages)

- (1) Telephone directories shall be published annually and shall contain at a minimum the name, address and telephone number of all customers, except those customers who have informed the Telecommunications Service Provider to not list their information.
- (2) All telecommunications service providers shall provide free of charge to its customers a white page telephone directory encompassing the local calling area. Directories for areas outside the local calling area shall be provided to the customer for a reasonable cost.
- (3) In the event of a Telecommunications Service Provider listing error or the omission of a customer listing, the Telecommunications Service Provider shall provide an intercept service along with directory assistance for all calls made to the omitted number, upon the request of the customer, for up to one (1) year at no charge or until the publishing of a new White Page Directory.
- (4) The Authority's toll-free telephone number and Internet address shall be listed on the inside cover of the directory. Telecommunications Service

Providers shall not charge the Authority for the listing of the above information.

- (5) Telecommunications service providers shall provide the Authority, without charge, at least one (1) copy of its directories at the time of publication.
- (6) The directory shall contain such instructions concerning placing local and long distance calls, calls to repair, billing questions as well as information services, and the mailing address of the telecommunications service provider.
- (7) The area included in the directory along with the month and year of the issuance of directory shall appear on the cover of the directory. Information pertaining to emergency calls such as for the police and fire department shall appear conspicuously in the front section of the directory.
- (8) Whenever any customer's telephone number is changed after a directory is published, the telecommunications service provider shall intercept all calls to the former number for a reasonable period of time and give the calling party the new number unless instructed otherwise by the customer with the new number.
- (9) Telecommunications service providers publishing White Page Directories must provide the opportunity to competitive local exchange carriers offering service within the calling scope of a directory to contract for the appearance of the competitive local service providers name and logo on the cover of such directories under the same terms and conditions as the telephone service provider provides to itself.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.10            Emergency Service Provisioning

- (1) All telecommunications service providers shall take the appropriate measures to meet emergency situations including but not limited to electricity failure due to weather conditions and sudden and prolonged increases in network traffic.
- (2) Within 180 days of the effective date of this Chapter all telecommunications service providers are required to meet the following objectives:
  - (a) Central offices with installed emergency power generators will have a minimum of three (3) hours of battery capacity to handle the busy season, peak-traffic hours.

- (b) Central offices without emergency power generators on site will have a minimum of five (5) hours battery capacity to handle the busy season, peak-traffic hours. These offices must have ready access to portable power generators that can be connected prior to battery capacity exhaust.
- (3) In periods of prolonged and massive service outages, telecommunications service providers have the authority to restrict local service to essential service providers such as the police and emergency service providers.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.11 Telephone Construction

- (1) After the construction of plant by either the Telecommunications Service Provider or its contractors, it is the duty of each Telecommunications Service Provider to restore the property where the construction took place to as near the condition in which it existed prior to construction as possible within a reasonable period of time.
- (2) It is the duty of telecommunications service providers to comply with Tenn. Code Ann. ? 65-31-102 et seq. which includes, but is not limited to, contacting Tennessee One Call for the purpose of locating any underground utilities that may be damaged by proposed construction prior to installing facilities.
- (3) It is the duty of telecommunications service providers to comply with all local, state and federal construction standards and codes.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.12 Customer Complaints

- (1) Each telecommunications service provider shall make a full and prompt investigation of customer complaints made either directly to it or through the Authority
- (2) Telecommunications service providers shall within ten (10) working days, after receipt of a complaint forwarded by the Authority, file a written reply with the Authority. This reply shall at a minimum state the Telecommunications Service Provider's position regarding the complaint and actions taken to resolve the dispute.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.13                      Accuracy Requirements

All meters and/or recording devices used by telecommunications service providers to prepare customer's bills shall be in proper working order and shall render accurate readings. Telecommunications service providers shall retain sufficient records to substantiate to the customer or the Authority compliance with this section.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.14                      Payment for Services

- (1) Telecommunications service providers shall provide, upon request, a deferred payment plan that will allow a customer to make payment by installments when such customer is unable to pay the amount due for service. The deferred payment plan may require the customer to maintain his/her account current and make equal payments that will payoff the outstanding balance within an agreed period time that should not exceed six (6) months, unless circumstances warrant additional time.
- (2) Each telecommunications service provider shall provide a variety of bill payment options to its customers including payment by check, money order and credit card. The Telecommunications Service Provider shall assess no additional fee to the customer for utilizing bill payment options.
- (3) Any partial payment of a bill by a customer shall first go toward the basic local service charges.
- (4) Telecommunications service providers under or over billing shall recover from or refund to the customer no more than two (2) years for previous service charges.
- (5) Each telecommunications service provider shall allow its customers no less than twenty (20) days from the date of the bill to pay the balance before such bills are considered delinquent.
- (6) No less than ten (10) days prior to disconnection of local service for non-payment telecommunications service providers shall notify the customer in writing that their bill is delinquent, as defined in 1220-4-2-.14(5), and subject to be disconnected by a date certain.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.15            Prepaid Calling Cards

- (1) All prepaid calling cards shall provide adequate disclosure of the value of the card in either dollars or minutes. Such value shall be inclusive of any and all associated cost incurred with the purchase of the card. This information shall be displayed on the card or the package in a prominent and conspicuous manner.
- (2) All prepaid calling cards shall list the name, address and telephone number of the Telecommunications Service Provider providing the prepaid card. A live operator shall answer the telephone number listed at least eight (8) hours a day, five (5) days a week.
- (3) Under no circumstances shall the customer receive less value than that disclosed.
- (4) If a card has a specific expiration date, such date shall be printed on the card in a prominent and conspicuous manner.
- (5) Telecommunications service providers providing prepaid calling cards in the State shall respond to the Authority in writing within ten (10) working days of the receipt of consumer complaints.
- (6) All prepaid cards shall provide all information relative to usage sensitive per minute rates and all other charges. This information shall be displayed on the card or the package in a prominent manner.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.16            Adequacy of Service

Each ETC shall employ adequate engineering and administrative procedures and maintain the necessary network facilities to ensure adequate service is being provided to its customers.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.17            Basic Obligations for ETCs

- (1) Each ETC shall provide an adequate level of service to all of its customers. Service adequacy shall include the following requirements:

- (a) Access lines providing voice grade basic service shall be capable of carrying data speeds effectively not less than 28.8 kilobits per second.
- (b) Lifeline and Link-up telephone assistance programs shall be tariffed with the Authority and provided to eligible customers in accordance with 1220-4-2-.19.
- (c) No less than 98% of primary service orders within an exchange shall be completed within three (3) working days, as measured on a monthly basis where construction is not required. Failure to meet this standard for two (2) consecutive months is deemed a violation of this Chapter.
- (d) No less than 90% of primary service orders within an exchange shall be completed within twenty (20) working days where construction is required as measured on a monthly basis. In the instance of any order for primary service where construction is required that cannot be completed within twenty (20) days, the ETC shall notify the Consumer Service Division in writing of the delay in providing primary service and the estimated date of providing service and any other information requested by Authority. Failure to meet this standard for two (2) consecutive months within an exchange is deemed a violation of this Chapter.
- (e) The ETC shall fulfill no less than 95% of its commitments to provide primary service on a date certain within an exchange as measured on a monthly basis. Failure to meet this standard in two (2) consecutive months is deemed a violation of this Chapter.
- (f) No more than four (4) trouble reports per 100 access lines per exchange in those exchanges that serve 5,000 or more access lines as measured on a monthly basis. Failure to meet this standard in two (2) consecutive months is deemed a violation of this Chapter.
- (g) No more than 5 trouble reports per 100 access lines per exchange in those exchanges that serve less than 5,000 access lines as measured on a monthly basis. Failure to meet this standard in two (2) consecutive months is deemed a violation of this Chapter.
- (h) No less than 95% of out of service trouble reports as measured on a monthly basis by exchange shall be restored within 24 hours. Failure to meet this standard in two (2) consecutive months is deemed a violation of this Chapter.

- (i) No more than 5% of out-of-service trouble reports as measured on a monthly basis by exchange shall be repeat trouble reports. Failure to meet this standard in two (2) consecutive months is deemed a violation of this Chapter.
- (j) Complete 98% of all calls during the average busy season, peak-traffic hours as measured on a statewide level without failure. Failure to meet this standard in two (2) consecutive months is deemed a violation of this Chapter.
- (k) A dial tone shall be provided within three (3) seconds on 99% of calls within each exchange.
- (l) Provide sufficient facilities to accommodate realistic forecasted growth projections in access lines within each exchange.
- (m) Payment centers shall be provided in convenient locations where customers can physically pay for telephone service charges.
- (n) Provide adequate means whereby its customers can contact repair service at all hours.
- (o) No less than ninety (90%) percent of all calls to the ETC directed to intercept, directory assistance, business offices and repair service shall be answered, as described below, within thirty (30) seconds after the last digit is dialed by the caller.
  - 1. Notwithstanding (l) above, when a ETC utilizes an automated interactive answering system (hereafter referred to as "system"), at least ninety-five (95%) percent of the calls shall be answered within 15 seconds after the last digit is dialed. The initial recorded message to the customer shall only identify the Telecommunications Service Provider and the general options available to the customer. The option of transferring to a live attendant shall be included in the initial message.
  - 2. For customers electing the option of transferring to a live attendant, at least ninety-five (95%) percent of all such calls shall be transferred by the system to a live attendant prepared to give immediate assistance within fifty-five (55) seconds after the last digit of the telephone number listed in the directory for the ETCs' service is dialed.
  - 3. At any time during the automated call, the customer shall be transferred to live assistance if the customer fails to interact



with the system for a time period of ten (10) seconds following any prompt.

(2) Carrier of last resort

- (a) Incumbent local exchange carriers designated by the Authority with ETC status have carrier of last resort obligations within their service area existing prior to June 6, 1995. Relinquishment of carrier of last resort obligations requires the approval of the Authority after considerations of how such relinquishment may affect the provisioning of universal service.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.18 Quality of Service Mechanisms (QSMs) for ETCs

(1) Scope of Quality Service Mechanisms

- (a) The Authority recognizes the importance of quality telephone service to the economic well being of Tennessee. Customer expectations for quality telephone service must not be compromised as the State moves toward a more competitive environment for local telephone service. To maintain quality telephone service for all consumers, the Authority has designed Quality of Service Mechanisms (“QSMs”). QSMs are also designed for ETCs to compensate customers for failing to obtain quality services within a reasonable timeframe. QSMs shall be automatically invoked by the ETC within the exchange where the ETC violates any of the provisions of Rule Chapter 1220-4-2-.17 (1) (c)(d)(f)(g) and (h) during four (4) months within a calendar year. The ETC shall notify the Authority in writing ten (10) business days prior to invoking the QSMs.
- (b) QSMs shall not be applicable for any exchange for any month in which there is a declaration of a natural disaster or state of emergency issued by a federal, state or local authorities. The ETC shall not recover the cost of QSMs from its ratepayers. QSMs are not intended to limit ETCs from providing higher levels of compensation to their customers for failure to provide timely and quality service, but rather establish a floor of minimum compensation to their customers for providing an inadequate level of service.

(2) Installation of Primary Service Orders

- (a) An ETC shall waive one-half (1/2) of the cost of installation of primary service orders within the exchange if the service is not installed within three (3) working days.
- (b) An ETC shall waive 100% of the cost of installing primary service if the service order is not completed within five (5) business days.
- (c) An ETC shall credit the affected customer an amount equal to \$5.00 per day for every day over five (5) working days the customer's primary service order is not worked up to a maximum of forty (40) days or \$200.
- (d) If the Authority finds that an ETC is knowingly not accepting orders for primary service within its franchise area, the ETC may have its state universal service support subsidies withheld for the affected exchange until orders are accepted. Any subsidy withheld will be submitted to the ETC once compliance with this Chapter is verified.

(3) Customer Trouble Reports

If an ETC violates 1220-4-2-.17 (f) or (g) for four (4) months within a calendar year within an exchange, the ETC shall credit \$5.00 per trouble report to each customer that reported trouble within the four (4) month applicable time period. The credit, which will be applied to the customer's telephone account, will only apply to existing customers.

(4) Out-of-Service Clearing Time

- (a) If an ETC fails to achieve the 90% clearing time for out of service reports for four (4) months within a calendar year within an exchange, the ETC will take the following actions:
  - 1. If a customer's service trouble is not cleared within 72 hours from the time the customer first reported the trouble to the ETC, the ETC shall provide the customer a credit equal to the full monthly charge for that customer's basic local service.
  - 2. If the customer's service trouble is not cleared within 96 hours from the time the trouble was first reported to the ETC, the ETC shall credit the customer's telephone account \$5.00 per day for each day the service is not working up to 40 days or \$200.

- (5) The ETC that has triggered QSMs shall submit to the Authority a monthly summary of information provided the number of customers within an exchange receiving the credit or any other information as required by the Authority.
- (6) The remedial actions outlined in this section shall remain in effect until the ETC provides service within the service parameters within the particular exchange for three (3) consecutive months.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.19 Lifeline and Link-up

All Telecommunications Service Providers shall offer Lifeline and Link-up in accordance with the conditions listed below.

- (1) Eligibility Requirements
  - (a) A Tennessee resident is eligible for Lifeline and Link-up if the person's total household income is equal to or less than 125 percent (125%) of the Federal Poverty Level Guideline or if he/she qualifies to receive any one of the following public assistance benefits:
    - 1. Food stamps;
    - 2. Medicaid (not TennCare);
    - 3. Supplemental Security Income (SSI);
    - 4. Temporary Assistance to Needy Families (TANF);
    - 5. Low-income Home Energy Assistance Program (LIHEAP);
    - 6. Federal Public Housing Support; and
    - 7. Any other program or service certified by the Authority to assist low-income citizens.
- (2) Enrollment Procedures
  - (a) Telecommunications service providers providing Lifeline and Link-up shall accept and act on requests from applicants to provide the Telephone Assistance Programs in a timely manner.
  - (b) Telecommunications service providers shall take reasonable steps to verify that an applicant qualifies for at least one of the qualifications listed in 1220-4-2-.19 (1).

- (c) An applicant determined eligible for Link-up is automatically eligible to receive Lifeline and shall be notified as such by the telecommunications service providers providing the services.
  - (d) Disputes between the telecommunications service providers and applicants regarding whether an applicant meets the qualification criteria shall be referred to the Authority for resolution.
- (3) Semi-Annual Verification Procedures
  - (a) A Telecommunications Service Provider providing Lifeline and Link-up shall verify during the months of January and July through the Tennessee Department of Human Services that its customers utilizing these telephone assistance programs continue to meet the qualification criteria embodied in this Rule Chapter.
- (4) Notification Procedures for Discontinuing Lifeline
  - (a) A Telecommunications Service Provider shall notify recipients of Lifeline during December and June of each year that in order to continue qualifying under the Federal Poverty Level Guidelines that supplemental information, as determined by the Authority, is needed to continue their eligibility for the telephone assistance. Failure to provide sufficient information within a reasonable period of time shall be grounds to terminate the Lifeline discount according to the condition below.
    - 1. A Telecommunications Service Provider shall provide Lifeline customers 60 days notice that they no longer meet the qualification criteria for the discounted service. Such notice shall be in written form and shall disclose appeal rights for the decision to terminate the Lifeline discount through the Authority.
- (5) Lifeline Support Credits and Allowable Charges
  - (a) Telecommunications service providers offering Lifeline and Link-up shall provide the maximum allowable discount as authorized by the FCC with the appropriate, if any, state matching credits.
  - (b) Lifeline credits shall not exceed basic local exchange telephone service charges.
  - (c) Lifeline recipients shall not be assessed a fee for local number portability by telecommunications service providers.

- (d) Lifeline recipients shall not be assessed a state universal service fee, if one is established by the Authority.
- (e) Lifeline recipients shall not be assessed a charge for toll blocking by telecommunications service providers.
- (f) Telecommunications service providers shall not assess qualified Lifeline customers a security deposit if said customer agrees to subscribe to a toll blocking service.
- (g) Telecommunications service providers shall provide a six (6) free call allowance on directory assistance charges to Lifeline customers.

(6) Link-up Support Credits

- (a) A qualified recipient shall receive a reduction in the charge for installing new or transferring existing service as provided by the FCC.
- (b) Qualifying low-income customers who have paid full installation charges for service may retroactively receive the Link-up credit on their telephone bill if they notify the telecommunications service provider within sixty (60) days from the date of the completion of the service order.
- (c) The purchase or installation of telephone equipment, such as the wiring of telephone jacks, does not qualify for Link-up support.

(7) Educational Outreach Efforts

- (a) Telecommunications service providers offering Lifeline and Link-up shall establish a consumer outreach education plan, in coordination with the Authority, that will be aimed at informing the low-income population within their service area of the availability of the telephone assistance programs.
- (b) At the time of the request for installation of new local service or the transferring of existing local service, telecommunications service providers offering Lifeline and Link-up shall inform all residential customers of the availability of telephone assistance programs and how to receive the discounts. A copy of the script used by telecommunications service providers shall be made available to the Authority upon request.

(8) Lifeline and Link-up Reporting Requirements

- (a) Telecommunications service providers providing Lifeline and Link-up shall provide quarterly status reports to the Authority summarizing the number of customers receiving the benefits of the Telephone Assistance Programs. The report shall breakdown the racial composition of the recipients along with the total dollar benefit for that period of time.
- (b) Telecommunications service providers shall provide other reports as required by the Authority in order to ensure compliance with this Rule Section.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.20 Telephone Numbering Conservation

- (1) Telecommunications service providers, or any other carrier operating in Tennessee assigned telephone numbers by the North American Numbering Plan Administrator (“NANPA”), shall take all appropriate measures to conserve telephone number resources, which include, but are not limited to the following:

- (a) All telecommunications service providers, as well as any carrier assigned numbering resources by the NANPA within Tennessee, shall sequentially assign telephone numbers within each 1,000 block of numbers in accordance with FCC guidelines.
- (b) Assignment of telephone numbers in uncontaminated 1,000 number blocks is not permitted until existing 1,000 blocks where number assignment is occurring achieves at a minimum of 75 percent utilization rate or at the utilization rate determined by the FCC.
- (c) A telecommunications service providers that has designated rate centers within an area code shall take the necessary steps to consolidate its rate centers where deemed feasible by the Authority.
- (d) All telecommunications service providers that are Local Number Portability (“LNP”) capable shall participate in 1,000 block pooling as ordered by the Authority.
- (e) All telecommunications service providers, as well as any carrier assigned numbering resources by the NANPA within Tennessee, shall submit to the Authority upon request the results of a numbering resource utilization audit conducted by an independent auditor approved by the Authority.
- (f) Any carrier assigned telephone number resources by the NANPA within Tennessee shall return any and all unused or insufficiently used 1,000 number blocks as ordered by the Authority.
- (g) All telecommunications service providers shall comply with any other number conservation measures ordered by the Authority.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.21 Toll Free County-Wide Calling

Telecommunications Service Providers shall provide toll-free calling on calls originating and terminating within the same county consistent with all applicable law.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.22 Enforcement Provisions

Violation of the provisions of this Chapter shall be subject to the provisions of Tenn. Code Ann. § 65-4-120.

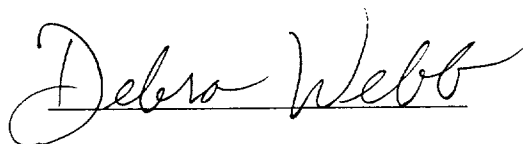
Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Regulatory Authority.



K. David Waddell  
Executive Secretary

Subscribed and sworn to before me this the 29<sup>th</sup> day of September, 2000.



Notary Public

My commission expires on the 26<sup>th</sup> day of July, 2003.

The notice of rulemaking set out herein was properly filed in the Department of State on the 29 day of Sept., 2000.



Riley C. Darnell  
Secretary of State

By: 

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